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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
10

11 DANIEL E. RUFF,
12

13 Plaintiff,

14 v.

15 COUNTY OF KINGS, ETC.,
16

Defendants.

Case No. CV-F-05-0631 OWW GSA

ORDER RE; PLAINTIFF'S MOTION FOR
VACATUR OF STAY PENDING APPEAL
AND FOR RELEASE OF CASH BOND

17 On September 20, 2010, this matter came before the Court on plaintiff Daniel Ruff's
18 motion for a vacatur of the stay pending appeal ordered by this Court on December 21, 2009
19 (Doc. Nos. 237, 296) and for the release of the \$415,502 cash amount deposited with the
20 Court in this matter. (Doc. No. 294) This cash amount was deposited with the Registry of this
21 Court based on the \$415,483.65 amount to which the plaintiff is entitled to based on the
22 judgment, attorney's fees, net costs, and prejudgment interest awarded in his favor.

23 After consideration of the parties' written and oral arguments, the Court hereby grants
24 the plaintiff's motion and orders as follows:

25 1. Plaintiff is now entitled to the release of \$410,483.65 of the cash amount
26 deposited with this Court. The Clerk of the Court shall therefore issue a registry draft for this
27

28 ORDER

1 amount, payable to "Kevin G. Little, Attorney at Law, IOLTA Account, and Daniel E. Ruff." The
2 Clerk of the Court shall notify the parties when this draft is available.

3 2. With respect to the remainder of the funds deposited with this Court, \$5,018.35,
4 plus any accrued interest, that amount will continue to be held until the resolution of plaintiff's
5 appeal pending in the Ninth Circuit Court of Appeals, Appeal No. 10-15080. The reason for
6 the Court's holding this amount in reserve is the possibility that the defendants could be
7 entitled to an award of appellate costs in the event that they are the prevailing parties in the
8 aforementioned appeal.

9 3. It is the responsibility of the parties to notify the Court when the aforementioned
10 appeal is resolved, within 30 days of the date thereof. Upon receiving said notice, the Court
11 will then order the appropriate disposition of the remaining funds.

12 IT IS SO ORDERED.

13
14 Date: September 27, 2010

/s/ OLIVER W. WANGER
United States District Judge